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BILL TEXT  
HR 4368  
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May 13, 2004

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108TH CONGRESS

2D SESSION

# H. R. 4368

To transfer the **National** <Oceanic> <and> <Atmospheric>  
<Administration> to the Department of the Interior.

## IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2004

Mr. SAXTON (for himself and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To transfer the <National> <Oceanic> <and> <Atmospheric>  
<Administration> to the Department of the Interior.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Weather and Oceans Resources

Realignment Act".

## **SEC. 2. TRANSFER OF <NATIONAL> <OCEANIC> <AND> <ATMOSPHERIC> <ADMINISTRATION> TO DEPARTMENT OF THE INTERIOR.**

(a) Transfer of Administration.-The <National> <Oceanic> <and>  
<Atmospheric> <Administration> is transferred to the Department of the  
Interior.

(b) Transfer of Functions.-All functions that are authorized to be  
performed by the <National> <Oceanic> <and> <Atmospheric>  
<Administration> immediately before the enactment of this Act are  
transferred to the Secretary of the Interior.

(c) Maintenance as Separate Entity.-The <National> <Oceanic> <and>  
<Atmospheric> <Administration>, including all functions of the Secretary  
of the Interior relating thereto, shall be maintained as a distinct entity in the  
Department of the Interior.

## **SEC. 3. REFERENCES.**

Any reference in any other Federal law, Executive order, rule, regulation,  
or delegation of authority, or any document of or pertaining to the  
<National> <Oceanic> <and> <Atmospheric> <Administration>, any  
agency or other component of such administration, or a function performed  
by such administration immediately before the enactment of this Act-

(1) to the Secretary of Commerce or another officer of the  
Department of Commerce is deemed to refer to the Secretary of the  
Interior; or

(2) to the Department of Commerce is deemed to refer to the  
Department of the Interior.

## **SEC. 4. EXERCISE OF AUTHORITIES.**

Except as otherwise provided by law, a Federal official to whom a  
function is transferred by this Act may, for purposes of performing the  
function, exercise all authorities under any other provision of law that were  
available with respect to the performance of that function to the official  
responsible for the performance of the function immediately before the  
effective date of the transfer of the function under this Act.

## **SEC. 5. SAVINGS PROVISIONS.**

(a) Legal Documents.-All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, certificates, licenses, and privileges-

(1) that have been issued, made, granted, or allowed to become effective by the President, the Secretary of Commerce, any officer or employee of any office transferred by this Act, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred by this Act, and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date),

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law.

(b) Proceedings.-This Act shall not affect any proceedings or any application for any benefits, service, license, permit, certificate, or financial assistance pending on the date of the enactment of this Act before an office transferred by this Act, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(c) Suits.-This Act shall not affect suits commenced before the date of the enactment of this Act, and in all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(d) Nonabatement of Actions.-No suit, action, or other proceeding commenced by or against the Department of Commerce or the Secretary of Commerce, or by or against any individual in the official capacity of such

individual as an officer or employee of an office transferred by this Act, shall abate by reason of the enactment of this Act.

(e) Continuanace of Suits.-If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the officer, and under this Act such function is transferred to any other officer or office, then such suit shall be continued with the other officer or the head of such other office, as applicable, substituted or added as a party.

(f) Administrative Procedure and Judicial Review.-Except as otherwise provided by this Act, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred by this Act shall apply to the exercise of such function by the head of the Federal agency, and other officers of the agency, to which such function is transferred by this Act.

## **SEC. 6. TRANSFER OF ASSETS.**

Except as otherwise provided in this Act, so much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with a function transferred to an official or agency by this Act shall be available to the official or the head of that agency, respectively, at such time or times as the Director of the Office of Management and Budget directs for use in connection with the functions transferred.

## **SEC. 7. DELEGATION AND ASSIGNMENT.**

Except as otherwise expressly prohibited by law or otherwise provided in this Act, an official to whom functions are transferred under this Act (including the head of any office to which functions are transferred under this Act) may delegate any of the functions so transferred to such officers and employees of the office of the official as the official may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions under this section or under any other provision of this Act shall relieve the official to whom a function is transferred under this Act of responsibility for the administration of the function.

## **SEC. 8. AUTHORITY OF DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET WITH RESPECT TO FUNCTIONS TRANSFERRED.**

(a) Determinations.-If necessary, the Director shall make any determination of the functions that are transferred under this Act.

(b) Incidental Transfers.-The Director, at such time or times as the Director shall provide, may make such determinations as may be necessary with regard to the functions transferred by this Act, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this Act. The Director shall provide for such further measures and dispositions as may be necessary to effectuate the purposes of this Act.

## **SEC. 9. DEFINITIONS.**

For purposes of this Act-

(1) the term "function" includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(2) the term "office" includes any office, administration, agency, bureau, institute, council, unit, organizational entity, or component thereof.

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**INTRODUCTION--WEATHER AND OCEANS RESOURCES REALIGNMENT ACT -- (Extensions of  
Remarks - May 14, 2004)**

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**SPEECH OF □  
HON. JIM SAXTON  
OF NEW JERSEY  
IN THE HOUSE OF REPRESENTATIVES  
THURSDAY, MAY 13, 2004**

- Mr. SAXTON. Mr. Speaker, I am pleased to be here today to introduce an important piece of conservation legislation, the Weather and Oceans Resources Realignment Act. This bill will transfer the National Oceanic and Atmospheric Administration to the Department of the Interior.
- An issue to which I have devoted a great deal of time and one that I feel is very important is the protection of the diverse range of fish stocks that inhabit our world's oceans, many of which are very close to disappearing forever. The National Marine Fisheries Service, the agency tasked with the protection of these species has failed to do so. I have never been able to comprehend why the National Oceanic and Atmospheric Administration (NOAA) is housed within the Department of Commerce, which has nothing to do with the protection of our natural resources. For this reason, I have introduced this legislation, which simply moves NOAA to a more appropriate agency, Interior.
- Given the release of now three studies essentially stating that what I have been talking about is likely to happen, I am more convinced than ever that we need to take aggressive action immediately. Many of our oceans' fish stocks are now reportedly 90 percent depleted, meaning only 10 percent of the stocks that once existed remain. And many of these stocks are in grave danger of extinction if we proceed down the same path we are on now--that is, continue to study these stocks and do little to mitigate the damage that has already been done.
- The U.S. Commission on Ocean Policy, created from my Oceans Act of 2000, released it's report in April of this year, with many of the same findings. We need to take immediate aggressive steps to prevent the disappearance of these fish species, before it's too late. These studies should be a wake-up call that the process through which our world's fisheries is managed is broken and needs to be fixed.
- The National Marine Fisheries Service has demonstrated repeatedly they are incapable of doing the job they have been tasked with as the primary federal agency responsible for monitoring and protecting our Nation's fisheries. To place them within the Department of the Interior would serve to strengthen the two agencies goals of resources conservation.
- This is an issue that resonates with anyone who has ever been to the beach in States like New Jersey, or watched a television program involving the deep blue sea. And given that 50 percent of the population of the United States lives within 100 miles of a coast, there are many who are personally affected by this issue. We have a unique opportunity to do something amazing and I think we owe it these wonderful resources that are our oceans to do all we can to bring them back to a healthy and sustainable level, for future generations.

*END*